

**CITY OF PINELLAS PARK, FLORIDA
CITY COUNCIL AGENDA
JANUARY 14, 2010**

**CALL TO ORDER
INVOCATION
PLEDGE OF ALLEGIANCE**

I. DECLARATIONS, PROCLAMATIONS AND PRESENTATIONS

**SPECIAL PRESENTATION — EMPLOYEE OF THE QUARTER
Michael Nelson, Community Compliance Specialist**

II. PUBLIC COMMENT AND CORRESPONDENCE

**CITIZENS COMMENTS ARE INVITED ON ITEMS OR CONCERNS NOT
ALREADY SCHEDULED ON TONIGHT'S AGENDA. PLEASE LIMIT
COMMENTS TO THREE MINUTES.**

**AT THIS TIME STAFF MEMBERS WILL BE SWORN IN IF THERE ARE ITEMS
THAT ARE QUASI-JUDICIAL**

III. APPROVAL OF MINUTES

Approval of Regular Council Minutes of December 10, 2009.

IV. PUBLIC HEARINGS

◆ NEIGHBORHOOD SERVICES

**P1 ORDINANCE NO. 3713. AMENDING CHAPTER 1 (GENERAL
PROVISIONS), SEC. 1-110.**

PUBLIC HEARING, SECOND AND FINAL READING

NOTE: Chapter 1 (General Provisions) Section 1-110 – Amending “Code
Enforcement Specialists” to “Community Compliance Specialists” and to include
Land Development Code in Section 1-110 of the Code of Ordinances.

(reference material — ordinance, attorney approval letter, *C2 on 12/10/2009
Council agenda*)

◆ COMMUNITY DEVELOPMENT

- P2 CONSIDERATION OF A REQUEST FOR A CONDITIONAL USE FOR “HEIGHT-BUILDINGS AND STRUCTURES OVER 40 FEET” AND A WAIVER TO ALLOW A SIX-FEET-HIGH, CHAIN LINK FENCE SHIELD A PORTION OF THE OUTDOOR STORAGE AREA FROM RIGHT-OF-WAYS, A SUBSTITUTE FOR A SOLID WALL AS REQUIRED BY CODE, FOR A CERTAIN PARCEL OF LAND GENERALLY LOCATED NORTH OF 118TH AVENUE, WEST OF 34TH STREET. (CU 2010-03/MS 2010-04 LORA CRAWFORD/JERRY KYCKELHAHN)

PUBLIC HEARING (QUASI-JUDICIAL)

NOTE: Consideration of a request for a Conditional Use for “Height-Buildings and structures over 40 feet” and a waiver to allow a six-foot-high, chain link fence as a substitute for the solid wall required by Code to shield a portion of the outdoor storage area from right-of-ways, for a certain parcel of land generally located north of 118th Avenue, west of 34th Street. The applicant is proposing the development of a concrete plant, a permitted use in the “IH” Heavy Industrial District. The applicant is proposing the construction of a concrete silo with an effective building height of 80 feet, which exceeds the maximum permitted building height of 40 feet. The proposed outdoor storage area on the northern portion of the parcel would be required to be shielded from view from the right-of way of 34th Street by a six-foot-high, solid wall. The remainder of the parcel would require no shielding because of intervening structures that perform the required function. Staff asserts that the chain link fence would be more acceptable if landscaping is added along this fence line to reduce visibility of the outdoor storage area. Surrounding land uses are: to the north, AA Portable, Inc., Surface Finishing Technologies, Staples Investments Partners, Inc., and Azteca Pottery Company, Inc.; to the west, Big 3 Recyclers, Big 3 Pull A Part LLC, and RB Smith Truck Parks LLC; to the south, Equibore of America, Inc.; and to the east, Fantis Foods of Florida, Inc., VSC Fire & Security, Inc., and 34th Street Industrial Park (various industrial uses). Subject to any matters that may be discussed at the hearing, staff has not identified any inconsistencies with the Comprehensive Plan. The proposal should have no adverse effect on adopted levels of service for City infrastructure. At its meeting on December 3, 2009, the Planning and Zoning Commission recommended APPROVAL of the above requests.

ACTION: (Approve – Deny) A request for a Conditional Use for “Height-Buildings and structures over 40 feet” and a waiver to allow a six-foot-high, chain link fence shield a portion of the outdoor storage area from right-of-ways, a substitute for a solid wall as required by Code for a parcel of land generally located at north of 118th Avenue North and west of 34th Street North.

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P2 (reference material — staff report, excerpts of P&Z minutes of 12/03/09, application, letter of opposition, aerial, site plan)

V. CONSENT AGENDA

◆ **CITY CLERK**

C1 RESOLUTION NO. 10-01. A RESOLUTION CANCELLING THE GENERAL ELECTION FOR MARCH 9, 2010 FOR LACK OF OPPOSING CANDIDATES; PROVIDING THAT WILLIAM F. MISCHLER, MAYOR; WILLIAM E. “ED” TAYLOR, CITY COUNCIL SEAT #1 AND SANDRA LEE BRADBURY, CITY COUNCIL SEAT #2 SHALL BE DECLARED ELECTED; PROVIDING FOR AN EFFECTIVE DATE.

FIRST AND FINAL READING

NOTE: Section CC-604(B) “Single Candidates” of the City Charter of the City of Pinellas Park, Florida, states: In the event not more than one (1) person qualifies as a candidate for a designated seat on the City Council to be filled at the General Election, the seat shall not be listed on the General Election ballot. Each unopposed candidate shall be deemed to have voted for himself, and shall be declared elected. Therefore, William F. Mischler has qualified for the seat of Mayor, William E. “Ed” Taylor has qualified for City Council Seat #1 and Sandra Lee Bradbury has qualified for City Council Seat #2, each being unopposed.

(reference material — resolution, City Attorney approval letter)

◆ **POLICE**

C2 AUTHORIZATION FOR CITY MANAGER TO SIGN A LEASE AGREEMENT WITH 70TH AVENUE, LLC FOR OFFICE SPACE; PURCHASE FURNITURE; AND PROVIDE FOR THE PAYMENT OF UTILITIES. ALL TO BE FUNDED BY THE POLICE DEPARTMENT’S CONFISCATED PROPERTY FUND

NOTE: On January 13, 2010, the Community Redevelopment Area (CRA) Policing Unit will officially begin operations. In keeping with the Grant, new officers have been hired, experienced officers selected and assigned to the CRA, and equipment and uniforms have been secured. An important component of this Unit is establishing an off-site location, within the CRA. A newly renovated building located at 6990 49th Street is available for lease. The cost per month is \$1,900 or \$22,800 from January 2010 to January 2011. The office will be furnished with renovated desks, chairs, tables, dividers, and installation from Office Furniture Now, 10990 49th Street North, Pinellas Park, Florida for \$5,800. The Chief is also requesting the encumbrance of \$7,000 of confiscated property fund money to be placed in an appropriate account to pay for monthly utilities for the entire year.

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- C2** ACTION: (Approve-Deny) Authorization for the City Manager to sign the proposed Lease Agreement with 70th Avenue LLC, purchase renovated furniture, and encumber money for utilities for office space at a total cost of \$35,600 to be appropriated from the Confiscated Property Fund.

(reference material – City Attorney’s Letter dated 01/04/2010, Risk Management email dated 12/29/2009, quote from Office Furniture Now, Inc., Lease Agreement, photograph)

- C3** **AUTHORIZATION TO TRANSFER OWNERSHIP OF RETIRED POLICE DOG K9 “DAX” TO OFFICER MARTY TURNER**

NOTE: In accordance with Administrative Regulation 13.42(D) “Donation of City Property,” the police department has declared K9 “Dax” surplus property. Dax will be replaced with a new police K9. Dax’s handler, Officer Marty Tuner has requested that Dax be donated to him for use as a family pet. The Chief is requesting that the City donate Dax to Officer Turner at no charge. Dax has been in service since February 17, 2005.

ACTION: (Approve - Deny) Authorization to donate retired K9 Dax to Officer Marty Turner.

(reference material — none)

◆ **PUBLIC WORKS**

- C4** **AWARD OF BID 10/019 – PURCHASE OF 5 MOTOR CONTROL PANELS AND JUNCTION BOXES – Universal Precision Industries, Inc.**

NOTE: Bids were legally advertised and bid invitations were mailed to 197 perspective bidders. One (1) bid, and two (2) “no bids” were received with Universal Precision Industries, Inc., (1876 Lake Avenue SE, Largo, FL 33771) being the low bidder with a bid submittal of \$52,859.00. The estimated amount budgeted for this purchase is \$65,000.00, and is reflected as a portion of the Lift Station Rehabilitation Program, as shown on page 386 of the adopted FY 09/10 budget. The account to be charged for this purchase is 301-381-5-776-50.

ACTION: (Approve – Deny) Authorization to award bid 10/019 Purchase of 5 motor control panels and junction boxes to Universal Precision Industries, Inc., Largo, FL in the amount of \$52,859.00 to be charged to the appropriate accounts.

(reference material — bidders list, bid book available for review)

C5 AMENDING CONSENT AGENDA ITEM FOR AUTHORIZATION FOR MAYOR TO SIGN AN AGREEMENT WITH CAMP DRESSER & MCKEE INC. (CDM) TO CORRECT SCRIVENER'S ERROR - Engineering/Consultant Services for the Homeland Subdivision Drainage Project (09/006)

NOTE: At the City Council meeting on August 11, 2009, item C5, Authorization for the Mayor to Sign an Agreement with Camp Dresser & Mckee, Inc., (CDM) for Engineering/Consulting services for the Homeland Subdivision Drainage Design, generally described as the area bounded by 70th Avenue to the south, Gandy Boulevard to the north, US 19 to the west, and Channel #3 to the east. The amount to be charged was indicated as \$558,000. The account numbers to be charged were noted as 301-382-5796-31, 301-381-5774-11 and 301-381-5796-49. The corrected amount should be \$558,333 and the correct account numbers to be charged should be 301-382-5761-73, 301-381-5774-11 and 301-381-5796-49.

ACTION: (Approve-Deny) Amend Consent Agenda item C5 from the August 11, 2009 City Council Meeting, Authorization to enter into a contract with Camp Dresser & McKee, Inc. (CDM), to provide the Engineering/Consultant Services for the Homeland Subdivision Drainage Project 09/006 in the amount of \$558,333 to be charged to the appropriate accounts.

(reference material — none)

C6 RESOLUTION NO. 10-02. AUTHORIZING THE MAYOR TO SIGN A CONTRACT RENEWAL FOR A MAINTENANCE AGREEMENT BETWEEN THE CITY OF PINELLAS PARK AND THE STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION

FIRST AND FINAL READING

NOTE: This is an authorization for the Mayor to sign a contract renewal to the Maintenance Agreement with the Florida Department of Transportation (FDOT) dated April 4, 2008, for the City of Pinellas Park to perform routine maintenance work on the State highway system, all of which is within the City's corporate limits with the exception of the area along Gandy Boulevard between 28th Street and the gore of the ramp onto I-275. FDOT agrees to pay the City an annual sum of \$152,976.30.

(reference material — resolution, FDOT contract renewal, 12/04/09 letter from City Attorney, 11/19/09 letter from Brian A. Bennett of FDOT)

C7 CHANGE ORDER NO. 1 AND FINAL PAYMENT ON CONTRACT 08/019 FOR DESIGN / BUILD CITY HALL HVAC SYSTEM UPGRADE — Air Mechanical Services Corp., Tampa, FL

NOTE: Change Order No. 1 is recommended for approval so that final payment can be processed and the contract closed out. The amount represents a decrease of the original contract amount by 8.38%. The total amount of the contract is \$1,092,928.00 and the final payment of \$19,292.80 is to be charged to account 301-175-5-736-42. The final contract amount is \$100,000.00 under the original contract amount.

ACTION: (Approve-Deny) Authorization for approval and acceptance of Change Order No. 1 for project 08/019, Design / Build City Hall HVAC System Upgrade, a decrease in the contract amount of \$100,000.00 for a total adjusted contract amount of \$1,092,928.00 and authorization for final payment of \$19,292.80 to Air Mechanical Services Corp., Tampa, Florida, to be charged to the appropriate account.

(reference material — final invoice, change order)

C8 CHANGE ORDER NO. 1 AND FINAL PAYMENT FOR PROJECT 10/018, LANDSCAPE IMPROVEMENTS UNDER PINELLAS COUNTY CONTRACT 0670328-B — CRA Landscape Renovation Program for Park Blvd. (SR 694) Medians from 41st St. to 66th St. by Accend, Inc. dba JC Tree and Landscape

NOTE: Change Order No. 1 is recommended so that the final payment can be processed and the contract closed out. The amount represents a decrease of the original contract amount by 2.96%. The total adjusted contract amount is \$157,226.25 and the final payment of \$100,701.25 to be charged to account 301-781-5-764-96. The final contract amount is \$4,798.75 less than the original contract amount.

ACTION: (Approve - Deny) Authorization for approval and acceptance of Change Order No. 1, Project 10/018, CRA Landscape Renovation Program for Park Blvd (SR 694) Medians from 41st St. to 66th St., a decrease in the contract amount of \$4,798.75, for a total adjusted contract amount of \$157,226.25 and authorization for final payment of \$100,701.25 to Accend, Inc. dba JC Tree and Landscape to be charged to the appropriate account.

(reference material — change order, final invoice)

◆ COMMUNITY DEVELOPMENT

- C9 **ORDINANCE NO. 3715. ANNEXING INTO THE CITY OF PINELLAS PARK A CERTAIN PORTION OF RIGHT-OF-WAY GENERALLY LOCATED ON 67TH STREET BETWEEN 119TH AVENUE AND 120TH AVENUE NORTH (Pinellas County – AX09-24)**

FIRST READING PRIOR TO PUBLIC HEARING

NOTE: This is a voluntary annexation of 0.15 acres MOL of contiguous right-of-way property. The City of Pinellas Park Zoning Division has requested that the City take this segment of 67th Street right-of-way as it is the last segment between 119th Avenue and 120th Avenue North that is not currently in the City. Further, the annexation of the aforementioned right-of-way property will help accommodate an abutting property owner with the proposed addition to his business.

(reference material — ordinance, memo from City of Pinellas Park Zoning Division, map, Attorney approval letter)

- C10 **ORDINANCE NO. 3716. ANNEXING INTO THE CITY OF PINELLAS PARK A CERTAIN PORTION OF RIGHT-OF-WAY GENERALLY LOCATED ON 114TH TERRACE, WEST OF 58TH STREET NORTH (Pinellas County – AX09-30)**

FIRST READING PRIOR TO PUBLIC HEARING

NOTE: This is a voluntary annexation of 0.50 acres MOL of contiguous right-of-way property. Pinellas County Public Works Operations Department has requested that the City take over maintenance of this segment of right-of-way as more than 51% of the abutting properties have been annexed into the City. Fifty One percent is the threshold limit for taking over maintenance of adjacent right-of-way property.

(reference material — ordinance, letter from Pinellas County Public Works Operations Department, map, Attorney approval letter)

- C11 **APPROVAL OF VOLUNTARY ANNEXATION OF PROPERTY OWNED BY LAWRENCE D. HARPER (AX09-29) — Annexation of 0.15 acres MOL located at 8962 70th Street North.**

NOTE: This is a voluntary annexation of 0.15 acres MOL of contiguous residential property located at 8962 70th Street North in the Jan-Cory Subdivision.

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Lawrence D. Harper 8962 70 th Street North	City Projected Annual Revenue	City Funds Expended	City Fees Waived
1-Year Projected Total	\$867.48	\$0.00	\$0.00
This is an annexation by petition only. There are no "Special Provisions".			

ACTION: (Approve - Deny) The voluntary annexation of 0.15 acres MOL of property owned by Lawrence D. Harper located at 8962 70th Street North in the Jan-Cory Subdivision.

(reference material — petition, data sheet, comment sheet, revenue sheet, map)

C12 **ORDINANCE NO. 3714. ANNEXING INTO THE CITY OF PINELLAS PARK A CERTAIN PARCEL OF LAND LOCATED AT 8962 70TH STREET NORTH - (Lawrence D. Harper – AX09-29)**

FIRST READING PRIOR TO PUBLIC HEARING

NOTE: This is a voluntary annexation of 0.21 acres MOL of contiguous residential property. The Owner's single family home is located on this site in the Jan-Cory Subdivision.

(reference material — ordinance, petition, map, Attorney approval letter)

C13 **APPEAL TO SIGN VARIANCE DENIAL. SIGN VARIANCE SV 166b WAS DENIED BY THE SIGN ORDINANCE COMMITTEE. APPEALS TO VARIANCES ARE PROVIDED BY ARTICLE 6 "SIGNS" SECTION 18-613(b)5 "VARIANCES/APPEALS".**

FIRST AND FINAL READING

NOTE:Chapter 18 (Land Development Code), Article 6 "Signs" Section 18-613(b)5 "Variances/Appeals" provides for appeals to variances that are denied. Appeals are to be made to the Building Development Division within 15 days from the denial and reviewed by City Council. Florida Medical Prep, 8250 66th Street, is requesting approximately 80% window coverage or 293 square feet. Section 18-628 (p) states "the maximum area of said signs in areas classified as office, commercial, industrial, and public/semi-public shall be thirty-five (35) percent of windowpane area or one hundred (100) square feet, whichever is less". Per code a maximum of 100 square feet is allowed and they are requesting 293 square feet.

ACTION: (Approve - Deny) Variances to temporary window sign size for Florida Medical Prep based on the criteria in Section 18-628 (p) and 18-613(b)5 of the Land Development Code.

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C13 (reference material — staff report, sign variance request, 11/13/09, 12/3/09 letters from Kimberly Straube)

C14 **CONSIDERATION FOR PERMIT FEES TO BE WAIVED – Boys and Girls Club (7790 61st Street)**

NOTE: Kevin Davis, Unit Director of the Boys and Girls Club, requests a waiver of permit fees, number 2010-557, for the remodeling of their building at 7790 61st Street. Kevin Davis will be present to discuss the waiving of permit fees estimated at \$5,810.16.

ACTION: (Approve – Deny) Waive permit fees for permit number 2010-557.

(reference material — 12/17/09 letter from Kevin Davis, permit pricing sheet)

C15 **ORDINANCE NO. 3717. AN ORDINANCE AMENDING AN ADOPTED MASTER PLAN CONTROLLING DEVELOPMENT OF AN EXISTING “CPUD” COMMERCIAL PLANNED UNIT DEVELOPMENT FOR A PROPERTY GENERALLY LOCATED AT 4701 PARK BOULEVARD AND MORE PARTICULARLY DESCRIBED IN EXHIBIT "A", WHICH IS ATTACHED HERETO AND MADE A PART THEREOF; IMPOSING CERTAIN CONDITIONS OF DEVELOPMENT; CERTIFYING CONSISTENCY WITH THE CITY'S ADOPTED COMPREHENSIVE PLAN; PROVIDING FOR REPEAL OF ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH TO THE EXTENT OF SUCH CONFLICT; PROVIDING FOR AN EFFECTIVE DATE. (PUD 2008-3(R) Riad and Fedaa Kantar and Publix Super-Markets Inc./ Housh Ghovae, Northside Engineering Services)**

**FIRST READING PRIOR TO PUBLIC HEARING
(PUBLIC HEARING JANUARY 28, 2010 – QUASI JUDICIAL)**

NOTE: The applicant is requesting consideration of the adoption of a revised Master Plan for Lot 2, the gas station outparcel, an existing “CPUD” Commercial Planned Unit Development with underlying “B-1” General Commercial Zoning on a 5.412 acre parcel of land generally located at 4701 and 4801 Park Boulevard with a waiver to landscape requirements, more specifically to interior greenspace percentage and variances to lot coverage from 75% to 79% and number of required parking spaces from 16 to 10. The applicant purchased the outparcel and wishes to improve/redevelop the parcel; therefore, has submitted the application for modification that is the subject of this case. Surrounding land uses are: to the north, retail plaza, Farm Store, and single family dwellings; to the south, Gas and More Gas Station, Advent Medical, and Cash Register Auto Insurance; to the east, Manhattan Hair Styling Institute, and single family dwellings; and to the west, Park Plaza Shopping Center, Goodyear, Marko’s Meat & Deli, Southern Pawn and the City’s community messaging tower. Subject to any matters that may be discussed at the hearing, staff has not identified any inconsistencies with

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C15 the Comprehensive Plan. The proposal should have no adverse effect on adopted levels of service for City infrastructure. At its meeting on December 3, 2009, the Planning and Zoning Commission recommended APPROVAL of the above request subject to the following condition;

1. Criteria assigned to the subdivision in notes on the Site Plan, last revised on October 26, 2009, shall be accepted as governing regulations for the development of Lot 2. All regulations not addressed shall revert to Code in effect at the time of "PUD" Planned Unit Development adoption.

(reference material — ordinance, Attorney approval letter, excerpts of P&Z minutes of 12/3/09, staff report, application, aerial map, and master site plan)

VI. REGULAR AGENDA

◆ **CITY COUNCIL**

R1 RE-APPOINTMENT TO PINELLAS OPPORTUNITY COUNCIL — Joan M. Lanier

NOTE: Joan M. Lanier has served on the Pinellas Opportunity Council since December 2005 and has indicated she is interested in continuing to serve on this Board.

ACTION: (Approve-Deny) Re-appointment of Joan M. Lanier to serve on the Pinellas Opportunity Council for the year 2010.

(reference material — letter from POC)

◆ **LIBRARY AND RECREATION**

R2 RE-APPOINTMENT TO EQUESTRIAN BOARD — Patricia Fiedler and Celeste Tingler

NOTE: The terms of Patricia Fiedler and Celeste Tingler expired December 31, 2009. Ms. Fiedler and Ms. Tingler have expressed an interest in continuing to serve on the Equestrian Board for three-year terms. Ms. Fiedler and Ms. Tingler have been Board members since April 2003 and February 2007 respectively and have good attendance records. The Board recommends their reappointment for three-year terms.

ACTION: (Approve-Deny) Reappointment of Patricia Fiedler and Celeste Tingler to serve as members of the Equestrian Board for three-year terms.

(reference material — attendance records)

VI. COMMENTS BY COUNCIL MEMBERS AND QUESTIONS – COUNCIL TO COUNCIL

VII. ADJOURNMENT

PLEASE NOTE that if a person decides to appeal any decision made by City Council with respect to any matter considered at the above-cited meeting, the person will need a record of the proceedings and, for such purpose, may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. The City maintains a tape recording of all public hearings. In the event that you wish to appeal a decision, the tape may or may not adequately insure a verbatim record of the proceedings; therefore, you may wish to provide a court reporter at your own expense (Section 286.0105, Florida Statutes).

FOR PERSONS WITH HEARING IMPAIRMENT — An interpreter for persons with hearing impairment will be made available upon requests made at least 72 hours in advance. Also, an Assistive Hearing Device (amplifier) is available from the City Clerk for use in Council Chambers and all meeting rooms throughout the City. This agenda document is available in the following accessible formats: Braille, Large Print, Audio Tape, and Electronic File on Computer Disks.

Sunday Monday Tuesday Wednesday Thursday Friday Saturday



	1	2	3	4	5	6
7	8	Groundhog Day 9	10	11	12	13
14	15	7:30 PM City Council Workshop 16	Pancake Breakfast Senior Center - 9 AM 17	7:00 PM Agenda Session *7:30 PM City Council Meeting 18	Lincoln's Birthday 19	20
Chinese New Year Valentine's Day 21	Great Lent begins Eastern Orthodox Washington's Birthday (obsvd) Presidents' Day 22	Shrove Tuesday Organ Concert City Auditorium 23	Lent Begins Ash Wednesday 24	*6:00 PM "Meet Your Mayor & Council" 25	Little Women: The Musical Performing Arts Center 26	APPLE Orientation Little Women: The Musical Performing Arts Center 27
Little Women: The Musical Performing Arts Center 28		7:30 PM City Council Workshop	APPLE Session I	7:00 PM Agenda Session *7:30 PM City Council Meeting		

THINGS TO DO

THINGS TO DO

THINGS TO DO

THINGS TO DO

THINGS TO DO

JANUARY							MARCH						
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31													